

Attorneys for Defendants Stephen E. Cavallaro, Raymond D. Giordano, Jack Manning, Nicholas J. Russo, Civil Action No. 21-16844

HILLMAN, District Judge

WHEREAS, Derrick D. Gilliam, a pre-trial detainee presently incarcerated in Atlantic County Justice Facility, New Jersey, submitted a complaint under 42 U.S.C. § 1983, Civil Action No. 23-2748, ECF No. 1; and

WHEREAS, in reviewing the complaint, the Court concluded that the complaint raised claims related to another civil rights action currently pending before the Court, Gilliam v. Cavallaro, Civil Action No. 21-16844, see ECF No. 8; and

WHEREAS, the Court directed Plaintiff to choose to either proceed with Civil Action No. 23-2748 as a separate action or to have the complaint and supporting documents filed as a motion to amend or supplement the complaint in Civil Action No. 21-16844, ECF No. 8; and

WHEREAS, Plaintiff indicated he would like to consolidate the cases and filed a motion to supplement Civil Action No. 21-16844's complaint, ECF No. 12; and

WHEREAS, "[i]f actions before the court involve a common question of law or fact, the court may consolidate the actions." Fed. R. Civ. P. 42(a)(2). Both complaints raise prosecutorial misconduct claims, among others, in connection with criminal charges filed against Plaintiff in 2013 and 2021. Consolidation is therefore appropriate in these matters, and the Court

concludes that consolidation would be in the interests of justice and judicial economy; and

WHEREAS, the Court will grant the motion and direct the Clerk to file the complaint and motion for judicial notice, ECF Nos. 1 & 7, from Civil Action No. 23-2748 as a motion to supplement Civil Action No. 21-16844's complaint under Federal Rule of Civil Procedure 15(d); and

WHEREAS, Defendants Stephen E. Cavallaro, Raymond D. Giordano, Jack Manning, Nicholas J. Russo have filed a motion to stay or, in the alternative, to dismiss the complaint in Civil Action No. 21-16844 (ECF No. 34); and

WHEREAS, Defendants shall inform the Court whether they would like to withdraw their motion and refile to address the claims made in the proposed supplemental complaint,

THEREFORE, IT IS on this 15th day of September, 2023

ORDERED that the motion to consolidate, Civil Action No. 23-2748 ECF No. 12, shall be, and the same hereby is, GRANTED; and it is further

ORDERED that the Clerk shall consolidate Civil Action No. 23-2748 with Civil Action No. 21-16844. The complaint and motion for judicial notice, Civil Action No. 23-2748 ECF Nos. 1 & 7, shall be filed in Civil Action No. 21-16844 as a motion to supplement the complaint under Federal Rule of Civil Procedure 15(d); and it is further

ORDERED that within 14 days of this Order, Defendants shall inform the Court whether they would like to refile their pending motion to address the claims made in the proposed supplemental complaint; and it is finally

ORDERED that the Clerk shall send a copy of this Order to Plaintiff by regular mail and CLOSE Civil Action No. 23-2748.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.